

Updated DSP-83 Nontransfer and Use Certificate Form

In November 2015 DDTC published a web notice regarding the updating of several forms, including the DSP-83 Nontransfer and Use Certificate with a new extended expiration date of May 31, 2018. The web notice explicitly stated “Earlier versions of these forms will be rejected beginning November 26, 2015.” However, as the earlier versions of the DSP-83 forms continued to be submitted via D-Trade as supporting documentation in PDF format, there was no automatic rejection of the expired form by the D-Trade application.

Our review of applications with accompanying DSP-83’s has shown that implementation of this requirement has been inconsistent and the expired form continues to be used by industry despite having a date clearly indicating the form is expired. DDTC is aware of the significant effort it takes to obtain foreign signatures on these documents; however we also have a legal obligation to require use of non-expired form versions approved by the Office of Management and Budget.

This is official notice that ***effective immediately***, all license applications that are pending with DDTC, including any received by DDTC after this web notice but prior to May 14, 2016, with an attached expired version of the DSP-83 will require completion of the non-expired version of the DSP-83 before the applicant can initiate the export. These affected licenses will receive a proviso that directs the license applicant to upload a new version of the non-expired DSP-83 form to D-Trade prior to export but not later than July 1, 2016. Since DDTC has pending licenses older than the expiration date of the expired version of the DSP-83, if the attached DSP-83 was fully executed and the license submitted to DDTC prior to the expiration date on the form, those licenses will be excluded from this policy.

This is official notice that ***effective May 14, 2016*** DDTC will not accept applications with the expired DSP-83 unless the application includes an explicit signed separate letter from the Empowered Official acknowledging they understand the requirement to obtain a new DSP-83 prior to DDTC approval of the case. This is to allow the U.S. government time to review the pending application while the applicant is seeking the correct documentation. These cases will be Returned Without Action on July 1 if the correct DSP-83 has not been uploaded to the D-Trade case file.

This is official notice that ***effective July 1, 2016*** DDTC will Return Without Action any applications submitted using the expired DSP-83 documentation.